

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA)	Criminal No. 8:20-MJ-487 (GLF)
)	
v.)	Stipulation and Order
)	for Enlargement of Time
GRAIGORY BROWN,)	
)	
)	
Defendant.)	

STIPULATION

The United States of America, by and through its counsel of record, the United States Attorney for the Northern District of New York, and the defendant, GRAIGORY BROWN, by and through counsel, Randi Bianco, hereby agree and stipulate that the time within which an indictment must be filed under Title 18, United States Code, Section 3161(b), be enlarged to and including sixty (60) days from October 19, 2020 and that such time be excluded, pursuant to Title 18, United States Code, Section 3161(h)(7)(A), from the computation of the time within which an indictment must be filed under the provisions of Title 18, United States Code, Section 3161(b).

- 1) The chronology of this case is as follows:
 - a) Date of complaint: October 2, 2020
 - b) Date of initial appearance: October 2, 2020
 - c) Defendant custody status: detained
 - d) Date United States moved for detention: October 2, 2020
 - e) Date of detention hearing: October 6, 2020
 - f) Date detention decision issued: October 6, 2020

g) There have been no earlier enlargements of time and exclusions under the Speedy Trial Act.

2) The United States and/or the defendant request this exclusion based on the following facts and circumstances: The defendant is charged with violating Title 18, United States Code, Section 1201(c) by conspiring to unlawfully and willfully seize, confine, inveigle, decoy, kidnap, abduct and carry away and hold for ransom and reward and otherwise, any person, and in committing or in furtherance of the commission of the offense, did willfully transport in foreign commerce such person. Preliminary discovery is being assembled for defense counsel. The additional time will allow for discovery to be assembled and for counsel to review the discovery.

3) The parties stipulate and agree that the ends of justice served by granting this extension outweigh the best interest of the public and the defendant in a speedy indictment and trial because the additional time will allow for counsel to review discovery. The matter may be resolved without an indictment and the requested time will allow the parties to resolve the matter or proceed by way of indictment, taking into account the exercise of due diligence.


4) The parties stipulate and agree that the time period from October 19, 2020 to and including December 17, 2020, shall be excludable under the Speedy Trial Act pursuant to 18 U.S.C. § 3161(h)(7)(A) and (h)(7)(B)(iii).

The undersigned attorneys affirm under penalty of perjury the accuracy of the facts set forth above and apply for and consent to the proposed order set forth below.

Dated: October 19, 2020

ANTOINETTE T. BACON
Acting United States Attorney

By: /s/ Douglas G. Collyer
Douglas G. Collyer
Assistant United States Attorney
Bar Roll No. 519096


Randi Bianco, Esq. *Linda A. Peebles*
Attorney for GRAIGORY BROWN
Bar Roll No. *507041*

ORDER

A. The Court adopts the stipulated facts set out above as findings and hereby incorporates them into this Order;

B. The Court has considered its obligation under 18 U.S.C. § 3161(h)(7)(A) to determine whether an extension of time within which the government must file an information or indictment serves the ends of justice in a manner that outweighs both the public interest and the defendant's rights. The Court finds that, pursuant to 18 U.S.C. § 3161(h)(7)(A), the ends of justice served by granting the requested continuance outweigh the best interest of the public and the defendant in a speedy indictment and trial because this delay is necessary in order to allow the United States reasonable time following the arrest of the defendant for effective preparation for the return and filing of an indictment, taking into account the exercise of due diligence, and to allow the defendant to review discovery provided by the government which may negate the need for an indictment.

BASED ON THE STIPULATED FACTS AND THE COURT'S RELATED FINDINGS, IT IS HEREBY ORDERED that the time within which an indictment must be filed under the provisions of Title 18, United States Code, Section 3161(b), be enlarged to and including sixty (60) days from October 19, 2020 to the date of December 17, 2020 and that time be excluded, pursuant to Title 18, United States Code, Section 3161(h)(7)(A), from the computation of the time within which an indictment must be filed under the provisions of Title 18, United States Code, Section 3161(b), because the ends of justice served by granting this continuance outweigh the best interest of the public and the defendant in a speedy trial for the reasons stipulated above.

IT IS SO ORDERED.

Dated and entered this _____ day of October 2020.

Hon. Gary L. Favro
United States Magistrate Judge